

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 January 2006

CASE NO. 2005-LCA-0044

In the Matter of:

**ADMINISTRATOR, WAGE AND HOUR DIVISION,
*Prosecuting Party,***

V.

**PHL INTERNATIONAL, INC.,
*Respondent***

DECISION AND ORDER
APPROVING CONSENT FINDINGS

The Administrator, Wage and Hour Division, United States Department of Labor, issued a Determination Letter on September 13, 2005, alleging violations of the H-1B provisions of the Immigration and Nationality Act of 1952, as amended by the Immigration Act of 1990, and the Miscellaneous Technical Immigration and Naturalization Amendments of 1991 and the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA) (Title IV of Pub. L. 105-277, October 21, 1998; 112 Stat. 2681), found at 8 U.S.C. 1101 *et seq.*; 8 U.S.C. 1101(a)(15)(H)(i)(b) and 8 U.S.C. §1182(n) *et seq.* ("INA"). The Prosecuting Party determined that the Respondent failed to pay wages required in violation of 20 CFR § 655.731 and 20 CFR § 665.805(a)(2). Respondent filed a timely request for hearing on September 27, 2005. Jurisdiction over these proceedings is vested in the Office of Administrative Law Judges by INA §212(n), 8 U.S.C. §1182(n), and 20 CFR Part 655.800 *et seq.* with respect to Respondent's request for a hearing concerning the alleged violations of the provisions of §1182(n) of the INA.

The parties filed Consent Findings and a proposed Decision and Order that were signed by counsel for the Administrator, Prosecuting Party, and by counsel for Respondent, PHL International, Inc. The Consent Findings are marked for identification as ALJ No. 1 and are attached hereto and made a part hereof. The parties' agreement resolves the claims raised by the Administrator's Determination Letter of September 13, 2005. The Rules of Practice and Procedure for Administrative Hearings for the Office of Administrative Law Judges found at 29 C.F.R. Part 18 is applicable to this proceeding.

ORDER

Upon review of the record and the terms of the Parties' Consent Findings, it is determined that the terms of the settlement are fair and reasonable. The Consent Findings are hereby **APPROVED**.

IT IS ORDERED that:

1. This Decision and Order shall have the same force and effect as an order made after a full hearing.
2. The entire record upon which this Decision and Order is based shall consist solely of the Administrator's Determination Letter and the Parties' Consent Findings executed by the parties.
3. Any further procedural steps before this Office and the Administrative Review Board are waived.
4. Any rights to challenge or contest the validity of this Decision and Order entered into in accordance with the Consent Findings are hereby waived.
5. The Determination Letter, and the Parties' Consent Findings, together with this Decision and Order, shall constitute the final administrative findings and order in this case.
6. The hearing scheduled herein for March 15, 2006 is hereby **CANCELLED**.

A

Russell D. Pulver
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: Pursuant to 20 CFR § 655.845, any party dissatisfied with this Decision and Order may appeal it to the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210, by filing a petition to review the Decision and Order. The petition for review must be received by the Administrative Review Board within 30 calendar days of the date of the Decision and Order. Copies of the petition shall be served on all parties and on the administrative law judge.

